



PATENT
Attorney Docket No. BBC-128/1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
 Carl M. Mendel et al. :

EXAMINER: R. Cook
ART UNIT: 1614

APPLICATION NO.: **10/828,607**

FILED: **April 21, 2004**

FOR: **Treatment of Fibromyalgia**

Mail Stop Request for Continued Examination
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION NO.: 10/828,607 : I hereby certify under 37 CFR 1.10 that this correspondence is being transmitted the USPTO on the date indicated below via express class mail and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Date of Deposit <u>March 23, 2006</u> <u>Lisa Rasmussen</u> Lisa Rasmussen Express Mail Label# <u>EQ443612465 US</u>
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Sir:

PRELIMINARY AMENDMENT

On December 20, 2005 the undersigned received a telephone call from Examiner Cook asking whether a Reply was sent in response to the Final Office Action (hereinafter "instant Office Action") mailed June 17, 2005. Applicants have no record of receiving the instant Office Action.

Applicants filed a Petition to Revive Unavoidably Abandoned Application under 37 C.F.R. §1.137(a) on January 17, 2006. On March 10, 2006 the United States Patent Office dismissed the above-identified Petition to Revive Under 37 C.F. R. §1.137(a). Accordingly, Applicants herewith petition to revive the instant application under 37 C.F. R. §1.137(b) and are simultaneously filing a Request for Continued Examination. The instant Request for Continued Examination is timely filed.

A complete listing of the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.